

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES GAYHEART,	:	Case No. 3:10-cv-401
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael J. Newman
vs.	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

In light of the Sixth Circuit Court of Appeals' decision issued in this matter on March 12, 2013, *see* doc. 23, and recognizing further that the Sixth Circuit has issued a mandate, and for good cause shown, the Court **ORDERS** as follows:

- 1) The ALJ's non-disability finding, adverse to Plaintiff, is found unsupported by substantial evidence, and is **REVERSED**;
- 2) This matter is **REMANDED** to the ALJ under the Fourth Sentence of 42 U.S.C. § 405(g) for proceedings consistent with the Sixth Circuit's opinion;
- 3) On remand, the ALJ shall determine anew Plaintiff's disability status and qualifications for Disability Insurance Benefits;
- 4) The Clerk shall enter judgment in favor of Plaintiff; and
- 5) This matter shall remain terminated on the docket of the Court.

Date: May 13, 2013

*s/**Thomas M. Rose**

Thomas M. Rose
United States District Judge